

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JUMAR K. JONES,

Plaintiff,

v.

Case No. 16-cv-1687-pp

MICHELLE HAESE, *et al.*,

Defendants.

**DECISION AND ORDER GRANTING PLAINTIFF'S
MOTION TO USE FUNDS FROM RELEASE ACCOUNT TO PAY
THE REMAINDER OF THE FILING FEE (DKT. NO. 10)**

On January 30, 2017, after the plaintiff paid an initial partial filing fee of \$21.98, the court granted the plaintiff's motion to proceed without prepayment of the full filing fee. Dkt. No. 9. The court also ordered the plaintiff to pay the remainder of the filing fee over time, as set forth in the Prison Litigation Reform Act (PLRA). On March 21, 2017, the plaintiff filed a motion asking the court to allow him to pay the remainder of the filing fee with funds in his inmate release account. Dkt. No. 10.

The PLRA requires the court to collect filing fees from a "prisoner's account." 28 U.S.C. §1915(b). The term "prisoner's account" encompasses both a prisoner's release account and general account. Spence v. McCaughtry, 46 F. Supp. 2d 861, 862 (E.D. Wis. 1999). This court has held before, however, that "given the purpose of the release account to provide funds to the prisoner upon his or her release from incarceration, the Court does not deem it prudent to

routinely focus on the release account as the initial source of funds to satisfy the filing fee payment requirements of the PLRA.” Smith v. Huibregtse, 151 F. Supp. 2d 1040, 1042 (E.D. Wis. 2001). Nevertheless, upon request, a court may allow a plaintiff to pay a filing fee, or a portion thereof, out of his release account. Doty v. Doyle, 182 F. Supp. 2d 750, 752 (E.D. Wis. 2002).

The plaintiff has more than twelve hundred dollars in his release account, which is more than enough to pay the remaining \$328.02 of the filing fee. Allowing him to use his release account to cover the remainder of the fee will significantly reduce the funds available in the account; the plaintiff’s mandatory release/extended supervision date, however, isn’t until February 2066, which means he will have time to replenish his account. The court concludes that, in these circumstances, it is acceptable to allow the plaintiff to access the money in his release account to pay the remainder of his filing fee.

The court **ORDERS** that the plaintiff’s motion to pay the remainder of the filing fee with funds in his release account is **GRANTED**. Dkt. No. 10.

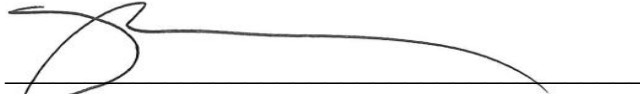
The court further **ORDERS** that the warden at Green Bay Correctional Institution shall withdraw \$328.02 from the plaintiff’s release account and forward that sum to the clerk of court as payment for the remainder of the filing fee in this action. The warden shall make such payment by **July 31**,

2017.

The court will mail a copy of this order to the warden at Green Bay Correctional Institution.

Dated in Milwaukee, Wisconsin this 22nd day of June, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge